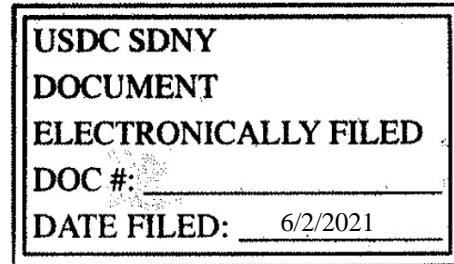


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
BEYOND BESPOKE TAILORS, INC., et  
al.,

Plaintiffs,

-against-

JAMES BARCHIESI, et al.,

Defendants.  
-----X

20-cv-5482 (VSB)

**ORDER**

VERNON S. BRODERICK, United States District Judge:

I am in receipt of Defendants' partial motion to dismiss and motion to transfer this action to the Western District of Pennsylvania, (Doc. 10), Plaintiffs' opposition, (Doc. 15), and Defendants' reply, which includes a declaration and numerous exhibits, (Doc. 20.) I am also in receipt of Plaintiffs' letter motion to strike the declaration and exhibits submitted with Defendants' reply, (Doc. 21), Defendants' opposition, (Doc. 22), and Plaintiffs' reply, (Doc. 23).

I have considered Plaintiffs' motion to strike, and find that given that the exhibits submitted with Defendants' reply raise new issues pertinent to Defendants' motion to transfer, Plaintiffs should be given the opportunity to file a sur-reply regarding how these exhibits and the declaration affect their opposition to Defendants' motion to transfer pursuant to 28 U.S.C. § 1404(a). In particular, Plaintiffs should address the effect, if any, of the forum selection clause in the Subscription Agreement and Power of Attorney between Worksite Capital Partners, LP and Plaintiff Nick Torres. (*See* Doc. 20-6.) Plaintiffs are also permitted to submit a declaration from an individual with knowledge of these issues. Given that I am providing Plaintiffs with the opportunity to file a sur-reply and a declaration to address this new evidence, Plaintiffs' motion

to strike is denied. *See Revise Clothing, Inc. v. Joe's Jeans Subsidiary, Inc.*, 687 F. Supp. 2d 381, 387 (S.D.N.Y. 2010) (refusing to strike new evidence filed on reply where plaintiff would suffer no prejudice because plaintiff had “submitted a surreply and also had the opportunity to present evidence at the evidentiary hearing”); *Toure v. Cent. Parking Sys. of New York*, No. 05 Civ. 5237(WHP), 2007 WL 2872455, at \*2 (S.D.N.Y. Sept. 28, 2007) (denying motion to strike where defendants submitted sur-reply). Accordingly, it is hereby:

ORDERED that Plaintiffs submit a sur-reply to Defendants’ motion to transfer that is no longer than ten pages by June 15, 2021. Plaintiffs are also permitted to submit a declaration from an individual with knowledge of these issues.

IT IS FURTHER ORDERED that Plaintiffs’ motion to strike is DENIED.

SO ORDERED.

Dated: June 2, 2021

New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style with a large initial "V".

Vernon S. Broderick  
United States District Judge